IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.473 OF 2005

Jiyaji Dhanwatey ... Petitioner

Vs.

Maharashtra State Road
Transport Corporation. ... Respondents

Mr. D.A. Joseph with Ms. Laipika Biswas i/b M/s. David & Associates for the petitioner.

Mr. G.J. Hegde for the respondents.

CORAM: SMT. RANJANA DESAI, J.

DATED: 22ND FEBRUARY, 2005.

P.C.:-

1. This petition is directed against the order dated 20/12/2004 passed by the Division Bench of the Small Causes Court in the revision application filed by the petitioner (original plaintiff) against the order dated 9/12/2004 passed by the Small Causes Court in R.A.E. Suit No.557/965 of 2001. By the impugned order dated 9/12/2004, the trial court has ordered that the application filed by the petitioner for leave to produce additional documents on record will be heard and decided during argument and during judgment. The Division Bench of the Small Causes Court has refused to interfere with the said order. It has come to a conclusion that the revision is not maintainable as the order impugned is purely a procedural order.

2. In my opinion, in the circumstances of the case without going into the merits of the case, the order dated 9/12/2004 needs to be slightly modified. The order dated 9/12/2004 says that the application will be heard and disposed of during argument and during judgment. It is not understood as to how the application will be heard during judgment and, therefore, the trial court is directed to hear the application at the stage of final arguments and pass appropriate orders on it in accordance with law after hearing both sides. With this modification, the petition is disposed of.

3. All contentions of both sides are kept open.

4. C.C. expedited.

(SMT. RANJANA DESAI, J.)